

**PLANNING & ZONING COMMISSION
MEETING
September 27, 2005**

Present:

Sarah Murphy, Chairman
Kevin Bittinger, Vice-Chairman
Allan Feldman
Jim Crain
Derryll Anderson
Bill Talley

Call to Order

Chairman Murphy called the September 27, 2005 meeting to order. The first item on the agenda was approval of minutes from the August 23, 2005 meeting. There were no changes.

Chairman Murphy called for a motion.

Motion: Commissioner Talley motioned to approve the minutes of August 23, 2005.

Second: Commissioner Anderson seconded the motion.

Vote: Unanimous

Motion carried.

Chairman Murphy stated that Georgia Law requires that certain disclosures must be made when considering a rezoning.

Chairman Murphy asked commission members to signify whether or not they or any family member had a financial or property interest in the annexation or rezoning agenda items.

Chairman Murphy and all of the commission members responded no.

Chairman Murphy also noted that if any of the applicants for rezoning had donated anything of value to any City Official in the last two years in the value of \$250.00 or more they must have notified the City in writing within ten days of the meeting. Also, if anyone in the public wished to speak in opposition to the rezoning and they have donated anything of value to any City Official in the last two years of \$250.00 or more they must have notified the City in writing five days prior to the meeting.

Chairman Murphy asked Mr. Gunn if notifications had been received. Mr. Gunn responded no.

Grove Park, Highway 314 – Rezoning from (C-3 to DR-15) & Variance from (Sec. 94-315) – File # 03-040

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that because of discussion from the work session the applicant has asked to have this project tabled until the October meeting, which would give them time to meet with the surrounding homeowners. He added that there are some sign up sheets for anyone who would like to be contacted regarding the meeting with the applicant. The applicant is revising his plans taking suggestions from the work session into consideration. Mr. Rolader would like to meet with the community so they could give more input on this project and he could come back with revised plans for the next meeting. Staff recommended tabling this project.

Chairman Murphy said assuming this would be tabled; this commission would not take any action until the October meeting. However, she asked if anyone would like to make comments.

These citizens spoke:

Mr. Wallace Riley 195 Stanley Oaks Place said that he did not think notifications were given to the residents along the White Road area, the rezoning sign is posted on Highway 314. He also spoke about the odor.

Chairman Murphy said she would ask staff to verify that the sign is posted where it needs to be to comply with the legal requirements.

Ms. Alberta Lucas 210 Winecoff Drive asked for the date of the next meeting and if it would be posted on the sign and if the applicant is changing the plans. She asked by changing the plans how that would coordinate with the Future Land Use Map.

Chairman Murphy said that those dates are going to be October 11, 2005 and October 25, 2005. She added that the applicant said he would be making some changes to the plans, those plans had not been submitted yet. She explained that the C-3 zoning which is Highway Commercial is the existing zoning and it could be develop as that with only development plans. The Future Land Use Map specifies what the City would like to see in this location for future development and that is something this body takes into consideration in a rezoning issue like this one.

Mr. Eugene Jenkins 510 Hawthorne Drive asked if the developer is going to meet with the community, and is the community going to get a date and time of that meeting.

Mr. Gunn said that the developer would notify the community of that meeting.

Ms. Tonzja Cherny 120 Primrose Court spoke about the odor.

Mr. Eldridge Ingram 120 Jasmine Court also spoke about the odor.

Mr. Walter Clark 375 Woodbyne Drive said that he has a petition signed by some homeowners and would like to know the procedures for submitting those.

Chairman Murphy said he could give the petition to the commission or submit that at the next meeting.

Ms. Carolyn Reed 255 Julia Court said she is also impact by the odor and traffic.

Chairman Murphy said that the commission would relay this information to the City Manager and Engineering department.

Ms. Sandra Williams 220 Julia Court said that the odor is there all the time.

Mr. Bill Buchanan 170 Heritage Lake said that he was not going to speak but hearing all the others, he wanted to say that the odor was there for approximately fourteen years because that is how long he was living there.

Mrs. McCray 230 Julia Court asked to repeat the work session and voting dates.

Chairman Murphy said the work session would be on October 11, 2005 and the voting meeting October 25, 2005.

Ms. Sophia Nash 210 Julia Court said that everyone spoke about the smell but it goes back to Grove Park that would add to the current problem. She asked the commission to consider them as not people who are complaining but that they have legitimate concerns.

Chairman Murphy said that this body does not consider the citizens to be complaining, there is a problem with the odor and the functioning of the sewer system and that needs to be addressed, and that this proposed project may make that situation worse. She said that all this commission could do tonight is to say that they could put the burden back on the people in the City who have the ability to work on that problem. The developer will meet with you and you could ask him the questions you brought up and at next month's meeting we could discuss the changes he made.

Chairman Murphy closed public comments. She then called on the commissioners.

Commissioner Anderson asked to have someone from the Engineering department to answer this question at the next meeting.

Mr. Gunn noted that the person is Mr. Eastin who would handle this problem. He said that he would ask him to attend the next meeting and explain what they are doing to address the problem.

Chairman Murphy asked staff to give Mr. Eastin the names, phone number of people who sign in so he could talk to them directly.

Commissioner Feldman added that as far as the citizens' support or non-support for this project it should not rest on the odor problems. If the sewer system is working correctly there should not be any odor even if this project is for two hundred houses. If this property goes commercial the odor problem would still be there, the capacity is there, but there is a problem in the system that needs to be correct. The City is working on the problem but it is one of those things that are hard to find. He said that he would not base the refusal of this project based on the sewerage problem because that is a separate problem.

Commissioner Talley said that this property could be developed as commercial, and that citizens could visit the Banks Station Shopping Center anyway from around 10:00 pm to 3:00 am when the garbage trucks are banging those canisters and trucks loading and unloading all night and the City hear from the people that lives behind there every week and we do not want that to happen to this property. This property is zoned commercial and that may not be the best solution because a project like Banks Station could go in there that might be acceptable to you but considering the alternative before you blindly turn this residential subdivision down, it would not be approve if it were not a good fit.

Chairman Murphy said that she is not going to open public comment and that Commissioner Talley made some good points for you to think about and we would refer the odor problem to the appropriate people and the citizens needs to talk to the developer about their concerns and at the next meeting this commission would see what changes.

Chairman Murphy called for a motion.

Motion: Commission Talley moved to table this agenda item until the October meeting.
Second: Vice-Chairman Bittinger seconded the motion.
Vote: Unanimous

Motion carried.

Argonne Forest Office Condominium, Beckett Lane – Development Plans
File # 05-024

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to construct five one-story buildings for office use. Four of the buildings will be less than 5,000 square feet and will have four office units in each building and one building will be approximately 8,000 square feet and have 6 office units in this building. Although the site has frontage along Highway 314 the buildings would face Beckett Lane and Highway 314 with interior vehicular circulation around the larger building, all of the buildings would share parking. Mr. Gunn said the building of architectural influence is the Harris Stone building and the proposed building elevation consists of red and light colored brick veneer. Staff had asked the applicant to address a number of issues which they have done. The only

outstanding issue is concerns from the water and engineering departments regarding the detention and hydrology study. There are numbers that do not match and staff is not comfortable approving the detention until they are corrected. However, staff feels that it is okay to recommend approval of this project and the detention could be address during the building permit stage. Mr. Gunn advised the applicant that he should submit a revision of the detention plan within a week. Staff recommended approval.

Chairman Murphy asked staff what is different on the new submittal.

Mr. Gunn stated that it was minor issues with the landscaping and buffering issues and the revision of the detention pond, it was still not adequate.

Chairman Murphy called on the applicant for comments.

Mr. Dick Debban represented this project. He said that he did not have anything to add and would appreciate an approval and would comply with the conditions.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.

Vice-Chairman Bittinger wanted an update on the detention in general.

Mr. Gunn said that staff feels that the detention is too small for the project and they asked the applicant or enlarge it a bit. In the hydrology plan it tell how much the pond is able to hold and how much it would be able to slow down the runoff from the property and numbers the applicant submitted did not match what the text showed.

Vice-Chairman Bittinger said if they are going to increase the capacity, is that going to affect the development plans in any other way.

Mr. Gunn answered “no”.

Chairman Murphy called for a motion.

Motion: Commissioner Anderson motioned to approve the development plans for Argonne Forest Office Condominium.

Second: Commissioner Crain seconded the motion with a friendly amendment that staff receives a suitable new hydrology study to answered all their questions.

Friendly amendment accepted.

Vote: Unanimous

Motion carried.

Onyx Restaurant, 750 North Glynn Street – Revised Elevations – File # 05-025

Chairman Murphy called for discussion on the site plan. Mr. Gunn stated that the applicant is proposing to remodel the former Hooter's restaurant site; the proposed use would be a high-end restaurant with jazz music entertainment. In addition, to the building improvement the entire site would be brought up to current ordinance requirements. Repairing, resealing and re-striping the parking lot and adding sidewalks on the exterior of the property. The building improvements would include repainting the building in the same gray that exist now and the entrance canopy would have a new gable, the existing concrete floor under the canopy would be stained, the curved coping would be stainless steel, and the face would be stucco, the awnings over the window and atrium will be replaced with a dark maroon color fabric. The building of architecture influence is the Fayette Pavilion. Staff had few issues that were discussed at the work session and they were the site lighting poles that needed to be adjusted, the rooftop equipment to be screened from public view, and the dumpster gate needed to be replaced. All of those have been address and the applicant submitted new plans. Staff recommended approval.

Chairman Murphy called on the applicant for comments.

The applicant said she did not have anything to add, but is ready for an approval so they could get ready for business.

Chairman Murphy called for public comments. There were none. She then called on the commissioners. She added that the applicant had abandoned the latticework and is going with the parapet wall; and that is a workable change.

Vice-Chairman Bittinger asked what the issue on the dumpster gate was.

Mr. Gunn said that they need to repair the dumpster gate but it is going to be replaced.

Chairman Murphy called for a motion.

Motion: Commissioner Talley motioned to approve the revised elevation plans for Onyx Restaurant.
Second: Commissioner Feldman seconded the motion.
Vote: Unanimous

Motion carried.

Enterprise Rent-A-Car, 660 North Glynn Street – Revised Development Plans & Special Exception – File 98-023.01

Chairman Murphy called for discussion on this project. Mr. Gunn stated that there is a slight change from what was proposed at the work session. At the work session, the applicant had proposed to construct an automatic car wash apparatus on the rear

of the Enterprise Rent-A-Car facility located along Glynn Street. The applicant is now proposing a shed over the pad that would be used to wash the cars, the size of the pad will not change, but it would not be enclosed. Mr. Gunn added that whether it is automatic or manual, staff conditions would not change, and those conditions are:

1. Resurface the parking lot area where the car wash will be located.
2. Only cars from this business could be washed here. (Including no other Enterprise locations).
3. Existing dumpster enclosure doors must be replaced.
4. Submit a landscaping plan that includes at least three (3) new trees on the site.

Staff recommended approval contingent upon the applicant meeting all of those conditions.

Chairman Murphy said that there is a letter from the contractor saying that this would not cause any problems with the storm drain system. Is staff comfortable with that?

Mr. Gunn said “yes” staff is comfortable with that because the water department did look at that.

Chairman Murphy called on the applicant for comments.

The applicant said he did not have anything to add but would like an approval.

She said that this information gave a better idea of what they want to do and she like this better

Chairman Murphy called for public comments. There were no public comments. She called on the commissioners.

Commissioner Talley said he is much more in favor of this and did not think that he could have supported an automatic carwash when the BP Gas station has one.

Vice-Chairman Bittinger agreed with Commissioner Talley

Commissioner Anderson advised the applicant that all visible items should be removed from sight at the close of business.

Commissioner Crain agreed with Commissioner Anderson.

Chairman Murphy called for a motion on the special exception.

Motion: Commissioner Talley motioned to approve the special exception from (Sec. 94-167) to operate a car wash in a C-3 zoning district.

Second: Commissioner Feldman seconded the motion.

Vote: Unanimous

Motion carried.

Chairman Murphy called for a motion on the revised development plans.

Motion: Commissioner Feldman motioned to approve the revised development with stipulation that staff's four items be addressed before any permit issued:

1. Resurface the parking lot area where the car wash will be located.
2. Only cars from this business can be washed here. (Including no other Enterprise locations.)
3. Existing dumpster enclosure doors must be replaced.
4. Submit a landscaping plan that includes at least three (3) new trees on the site.

Second: Commissioner Feldman seconded the motion.

Vote: Unanimous

Staff Reports

Mr. Gunn stated that there were discussions on the Mowell Funeral Home with a crematory on site. At the work session this body asked staff if an amendment to the zoning ordinance could be drawn up so they could vote positively or negatively for a crematory to be on that property in an RP zoning district. The City Attorney has drafted that amendment and it was passed out to the Commissioners for their review. Mr. Gunn stated that he would like to have this item officially placed on the next month's agenda.

Chairman Murphy said it looks like a straightforward amendment and the commission should study and if any of the commissioners needs to add or change anything that would be heard at the October meeting. She asked Mr. Gunn to bring the commission up to date on the comprehensive plan.

Mr. Gunn said that the consultant met with a few of the staff members, and Chairman Murphy last week to begin the process of the comprehensive plan of the Fayetteville community. There are three parts to the plan and this is the first part of the plan which is the actual data that was looked at. Staff would be bringing an update each month as the process continues. Mr. Gunn informed the commission that he would be leaving for Columbus, Georgia for a Planning Association conference. The Department of Community Affairs of the State of Georgia would be there talking specifically about the comprehensive plan and the goal is to keep them informed of what we are doing here at the City of Fayetteville, so when they have to review the final product that process would not take as long because they would already be informed of what we are doing.

Chairman Murphy asked if anyone in the public has any business with the commission.

No come came forward.

She then asked if any of the commissioners has any business to bring forth.

Vice-Chairman Bittinger said he had one item. He said that there is a yard sale every day on Highway 54 West just pass Grady Avenue.

Mr. Gunn said that he would have code enforcement look at that.

Commissioner Feldman said that there are two collection boxes where “Right on Time” restaurant use to be, and there are collecting old clothes just like goodwill, except it looks like a dump.

Chairman Murphy said that the goodwill came in for approval.

Mr. Gunn said that he would look into that.

Adjourned

Chairman Murphy called for a motion to adjourn.

Motion: Commission Feldman motioned to adjourn the September 27, 2005 meeting.

Second: Commissioner Crain seconded the motion.

Vote: Unanimous

Motion carried, meeting adjourned

Respectfully Submitted,

Bibi Alli
Staff Assistant